Application for United States

PATENT
Honeywell Docket # H0004031 US

## **DECLARATION AND POWER OF ATTORNEY**

As a below named inventor, I hereby declare that:

My residence, post office address and citizenship are as stated below next to my name;

I believe I am the original, first and sole inventor (if only one name is listed below) or an original, first and joint inventor (if plural names are listed below) of the subject matter which is claimed and for which a patent is sought on the invention entitled

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one) Applicat	ion Serial No		_ as -		
and was	amended on(if ap	plicable)	_•		
-		and understand the content		the above-id	entified
		formation which is material tederal Regulations, §1.56(a).*	to the	examination	of this
application(s) for par	tent or inventor's certificate	under Title 35, United States listed below and have also id ving a filing date before that c	lentifie	d below any	foreign
Prior Foreign Application(s)				PriorityClai	med
(Number)	(Country)	(Day/Month/Year File	ed)	Yes	No
application(s) listed by disclosed in the prior United States Code & Code of Federal Reg	pelow and, insofar as the sub United States application in 112, I acknowledge the dut	e 35, United States Code § ject matter of each of the claim the manner provided by the y to disclose material informatured between the filing date of application:	ms of the first partion as	his applicatio aragraph of T defined in T	n is not itle 35, itle 37,
(Application Serial N	(Filing D	Pate) (Sta	atus)	(patented, p abandoned	
transact all business i No. 42,264), KRIS T	n the Patent and Trademark ( FREDRICK, (Reg. No. 42,	r(s) and/or agent(s) to prosect Office connected therewith: G 554), MIRIAM JACKSON (R DON (Reg. No. 35,063), MAI	REGO eg. No	ORY ANSEM . 33,911), LA	S (Reg. RRY J.

No. 43,954), and PAUL W. CHURILLA (Reg. No. 47,495). Address all telephone calls to GREGORY

Address all correspondence to Gregory Ansems, Customer Number 000128.

ANSMES at telephone number (763) 954-5387.

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

Full Name of Sole
or First Inventor: Brent Chian
Inventor's Signature Date 8/1, 2003
Residence: Plymouth, Minnesota
Citizenship: Canada
Post Office Address: 18120 48th Ave. N., Plymouth, Minnesota, 55446
Full Name of ole Second Inventor: Douglas D-Bird
Inventor's Signature Course Order Date 8/1, 2003
Residence: Little Canada, Minnesota
Citizenship: United States
Post Office Address: Address 606 Keller Parkway, Little Canada, Minnesota, 55117
Full Name of Sole or First Inventor: Jonathan S. McDonald
Inventor's Signature Standing Date 8/1, 2003
Residence: Bloomington, Minnesota
Citizenship: United States
Post Office Address: 10243 York Ln., Bloomington, Minnesota, 55431

(a) A patent by its very nature is affected with a public interest. The public interest is best served, and the most effective patent examination occurs when, at the time an application is being examined, the Office is aware of and evaluates the teachings of all information material to patentability. Each individual associated with the filing and prosecution of a patent application has a duty of candor and good faith in dealing with the Office, which includes a duty to disclose to the Office all information known to that individual to be material to patentability as defined in this section. The duty to disclose information exists with respect to each pending claim until the claim is cancelled or withdrawn from consideration, or the application becomes abandoned. Information material to the patentability of a claim that is cancelled or withdrawn from consideration need not be submitted if the information is not material to the patentability of any claim remaining under consideration in the application. There is no duty to submit information which is not material to the

<sup>\*</sup>Title 37, Code of Federal Regulations §1.56:

patentability of any existing claim. The duty to disclose all information known to be material to patentability is deemed to be satisfied if all information known to be material to patentability of any claim issued in a patent was cited by the Office or submitted to the Office in the manner prescribed by §§ 1.97(b)-(d) and 1.98. However, no patent will be granted on an application in connection with which fraud on the Office was practiced or attempted or the duty of disclosure was violated through bad faith or intentional misconduct. The Office encourages applicants to carefully examine:

- (1) prior art cited in search reports of a foreign patent office in a counterpart application, and
- (2) the closest information over which individuals associated with the filing or prosecution of a patent application believe any pending claim patentably defines, to make sure that any material information contained therein is disclosed to the Office.
- (b) Under this section, information is material to patentability when it is not cumulative to information already of record or being made of record in the application, and
- (1) It establishes, by itself or in combination with other information, a prima facie case of unpatentability of a claim; or
  - (2) It refutes, or is inconsistent with, a position the applicant takes in:
  - (i) Opposing an argument of unpatentability relied on by the Office, or
  - (ii) Asserting an argument of patentability.

A prima facie case of unpatentability is established when the information compels a conclusion that a claim is unpatentable under the preponderance of evidence, burden-of-proof standard, giving each term in the claim its broadest reasonable construction consistent with the specification, and before any consideration is given to evidence which may be submitted in an attempt to establish a contrary conclusion of patentability.

- (c) Individuals associated with the filing or prosecution of a patent application within the meaning of this section are:
  - (1) Each inventor named in the application;
  - (2) Each attorney or agent who prepares or prosecutes the application; and
- (3) Every other person who is substantively involved in the preparation or prosecution of the application and who is associated with the inventor, with the assignee or with anyone to whom there is an obligation to assign the application.
- (d) Individuals other than the attorney, agent or inventor may comply with this section by disclosing information to the attorney, agent, or inventor.